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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,092	08/27/2001	Siegfried Kamlah	GR 00 P 16715	5991

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EXAMINER

HAMILTON, KIMBERLY Y

ART UNIT	PAPER NUMBER
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2635

6

DATE MAILED: 12/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

TS

Office Action Summary

Application No.

09/940,092

Applicant(s)

KAMLAH, SIEGFRIED

Examiner

Kimberly Hamilton

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification Objections

The disclosure is objected to because of the following informalities:

1. The terminologies "station" (pg.3, lines, 2-3) and "item" (pg.4, line 5) are utilized, but are not clearly defined in regards to the invention of the applicant. Also, the terminology "code generator" is utilized once (pg. 16, line 10), opposed to the consistent terminology "code transmitter".
2. Throughout the application, there are numerous punctuation and grammatical errors. To mention a few, there are grammatical and punctuation errors on pg. 1, lines 16-21, which resulted in a run-on sentence. On pg. 2, lines 11-17, commas need to be properly placed. Moreover, commas need to be added on pg. 5, line 15. In addition, a comma is improperly placed on pg. 6, line 13.
3. Within the description of the preferred embodiments, there are some errors. Such errors include an incorrect reference to the portable code transmitter of Fig. 2 (pg. 8, lines 10-11). In addition, the applicant mentions a third coil "Sz", but it is not shown within any of the drawings. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at

the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-2, 4, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirchlinde et al. (US 6577227) in view of Nalbandian et al. (US 6509873).

Regarding claims 1, 4, and 7, Kirchlinde teaches a mobile device that consists of a transceiver device (fig. 2, 6), which is disposed in a motor vehicle. The transceiver (6) transmits an interrogation signal in response to the triggering device being activated (col. 1, lines 50-59). Additionally, Kirchlinde teaches a portable code transmitter (fig. 2, 1) that is configured to receive the interrogation signal (col. 1, lines 55-59). Also, the transceiver (6) can provide at least two interrogations signals (col. 2, lines 18-19). Moreover, Kirchlinde discloses that the device is vehicle-mounted, which contains an evaluation unit that enables vehicle-specific functions after receiving and comparing the signal (col. 1, lines 61-64). However, Kirchlinde fails to teach that the antenna of the transceiver (6) emits a signal of having either an elliptical or circular polarization.

Nalbandian, who also teaches a mobile system, suggests an antenna that emits a waving having either an elliptical or circular polarization, for it provides better alignment for both the transmitted and received signals. In addition, Nalbandian elaborates on other mobile systems that benefit from circular or elliptical polarization, such as airplanes and satellites (col. 1, lines 27-33). Thus, it would have been obvious of ordinary skill in the art at the time of the invention was

made to provide circular or elliptical polarization of the antenna of Nalbandian into Kirchlinde, because Kirchlinde suggests that the mobile device transmits and receives signal via antennas in order to actuate vehicle-specific functions, and Nalbandian teaches the device to utilize circular or elliptical polarization of the antennas in order to have optimal bi-directional communication.

Regarding claim 2, Nalbandian teaches in order to obtain circular polarization, at least two antennas must be perpendicular to one another, and they must have 90 degrees out of phase (col. 6, lines 6-9).

2. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kirchlinde in view of Nalbandian in further view of Daiss et al. (US 6549115).

Regarding claim 3, Kirchlinde teaches that vehicle-specific functions, such as locking and unlocking locks are controlled by the code signal, based upon the response of the evaluation unit (col. 2, lines 30-34). However, Kirchlinde fails to disclose immobilizing functions within the vehicle.

Daiss, who discloses an active and passive remote mobile device, teaches the electronic immobilizer on the vehicle that contains an immobilizer control unit which, in turn, actuates the necessary components to operate the vehicle. Such components include switching means for the ignition in order to start the engine (col. 3, lines 32-40). Furthermore, Daiss further discloses that one can actuate the electronic immobilizer via an electronic key (fig.1, 6) or via the passive device (read as smart card fig. 1, 7) (col. 3, lines 57-62).

Therefore, it would have been obvious to one of ordinary skill of the art at the time the invention was made to supply the ability to turn on/off the immobilizer via the communication device of Daiss into Kirchlinde, because Kirchlinde teaches that the communication device actuates locking and unlocking functions on a vehicle utilizing an electronic key and Daiss teaches the device to use an electronic key also as a means to turn on/off the immobilizer.

3. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirchlinde in view of Nalbandian in further view of Gold (DE 19718423A1).

Regarding claims 5 and 8, Kirchlinde in view of Nalbandian fails to disclose relevant material regarding coils that function as antennas, which are to be at phase angle of less than or equal to 90 degrees.

Gold, who teaches a portable transmitter, clearly illustrates in fig. 1 that there are at least two coils functioning as antennas. Moreover, the illustration shows that the antennas are perpendicular or 90 degrees to one another.

Therefore, it would have been obvious to one of ordinary skill of the art at the time the invention was made to provide at least two coils that function as antennas and are actuated by being in phase of at least 90 degrees to one another in the mobile device of Kirchlinde in view of Nalbandian in further view of Gold, because Kirchlinde in view of Nalbandian suggests using at least two coils, and Gold teaches at least two coils are perpendicular to one another to provide proper signal transmission.

4. Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirchlinde in view of Nalbandian.

Regarding claims 6 and 9, Kirchlinde teaches that the transceiver device is configured in a manner that the interrogation signal is emitted at a predetermined time period (col.4, lines 32-41). Moreover, the response signal must also be transmitted at a predetermined time (col. 6, lines 5-11).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Hamilton whose telephone number is 703.305.8975. The examiner can normally be reached from Monday – Friday between the hours of 7am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703.305.4704. The fax phone number for the organization where this application or proceeding is assigned is 703.308.6743.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

KYH

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

